

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the Attorney of Record. See attached Interview Summary Form.

The application has been amended as follows:

### **REJOINDER OF CLAIMS**

It is noted that previously withdrawn claims 56, 66 and 73 are being rejoined and allowed in accordance with MPEP 1302.04(h).

In the specification (see amendment filed on February 2, 2007):

In line 7 (of the replacement paragraph for the paragraph found on page 1, lines 8-16 of the specification): immediately after "Serial No. 10/717,402, filed November 19, 2003," and before "," inserted - - , now U.S. Patent No. 7,189,237 - - to update the status of copending application 10/717,402.

In the last line (of the replacement paragraph for the paragraph found on page 1, lines 8-16 of the specification): immediately after "Serial No. 10/717,399, filed on November 19, 2003," and before "." inserted - - , now U.S. Patent No. 7,326,212 - - to update the status of copending application 10/717,399.

In last line (of the replacement paragraph for the paragraph found on page 11, line 5, to page 12, line 2 of the specification): immediately after "Serial No. 10/717,402, filed November 19, 2003," and before "." inserted - - , now U.S. Patent No. 7,189,237 - - to update the status of copending application 10/717,402.

In the last line (of replacement paragraph for the paragraph found on page 20, lines 8-16 of the specification): immediately after "Serial No. 10/717,399, filed November 19, 2003," and before "." inserted - - , now U.S. Patent No. 7,326,212 - - to update the status of copending application 10/717,399.

In the claims (see amendment filed on February 13, 2009):

In claim 52, line 3: replaced "long" with - - longitudinal - - to correct a minor typographical error.

In claim 52, line 4: replaced "long" with - - longitudinal - - to correct a minor typographical error.

In claim 52, line 5: replaced "long" with - - longitudinal - - to correct a minor typographical error.

In claim 52, lines 7-8: after "openings" and before ";" inserted - - wherein the transverse slot is elongated in a direction transverse to the longitudinal axis of the bone plate - - to clarify Applicant's invention.

In claim 52, line 11: replaced "an" with - - the - - to correct a minor typographical error.

In claim 52, line 12: after "opposing" and before "surface" inserted - - outer - - to clarify Applicant's invention.

In claim 52, line 12: after "a" and before "plane" inserted - - first - - to clarify Applicant's invention.

In claim 52, line 12: replaced "long axis defined by" with - - longitudinal axis of - - to clarify Applicant's invention.

In claim 52, line 13: replaced "included in a plane" with - - contained in a second plane - - and further in the same line, replaced "plane defined by" with - - first plane - - to clarify Applicant's invention.

In claim 52, line 14: deleted "the opposing surface" and further in the same line, replaced "that" with - - wherein the second plane - - to better define Applicant's invention.

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In claim 53, line 6: replaced “ plane defined by the opposing surface” with - - first plane - - to better define Applicant's invention.

In claim 54, line 3: replaced “long axis defined by” with - - longitudinal axis of - - to better define Applicant's invention.

In claim 62, line 2: replaced “long” with - - longitudinal - - to correct a minor typographical error.

In claim 62, line 3: replaced “long” with - - longitudinal - - to correct a minor typographical error.

In claim 62, line 4: replaced “long axis defined by” with - - longitudinal axis of - - to correct a minor typographical error.

In claim 62, lines 6-7: after “openings” and before “;” inserted - - wherein the transverse slot is elongated in a direction transverse to the longitudinal axis of the bone plate - - to better define Applicant's invention.

In claim 62, line 10: replaced "an" with - - the - - to correct a minor typographical error.

In claim 62, line 11: after “opposing” and before “surface” inserted - - outer - - to clarify Applicant's invention.

In claim 62, line 11: after “a” and before "plane" inserted - - first - - to clarify Applicant's invention.

In claim 62, line 11: replaced “long axis defined by” with - - longitudinal axis of - - to clarify Applicant's invention.

In claim 62, line 12: replaced “included in a plane” with - - contained in a second plane - - and further in the same line, replaced “plane defined by” with - - first plane - - to clarify Applicant's invention.

In claim 62, line 13: deleted “the opposing surface” and further in the same line replaced “that” with - - wherein the second plane - - to better define Applicant's invention.

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In claim 62, line 17: replaced "plane defined by the opposing surface" with - - first plane - - to better define Applicant's invention.

In claim 64, line 3: replaced "long axis defined by" with - - longitudinal axis of - - to better define Applicant's invention.

In claim 72, line 2: replaced "long" with - - longitudinal - - to correct a minor typographical error.

In claim 72, line 8: replaced "an" with - - the - - to correct a minor typographical error.

In claim 72, line 9: after "opposing" and before "surface" inserted - - outer - - to clarify Applicant's invention.

In claim 72, line 9: after "a" and before "plane" inserted - - first - - to clarify Applicant's invention.

In claim 72, line 9: replaced "long axis defined by" with - - longitudinal axis of - - to clarify Applicant's invention.

In claim 72, line 10: replaced "included in a plane" with - - contained in a second plane - - and further in the same line, replaced "plane defined by" with - - first plane - - to clarify Applicant's invention.

In claim 72, line 11: deleted "the opposing surface" and further in the same line, replaced "that" with - - wherein the second plane - - to better define Applicant's invention.

In claim 72, line 13: replaced "extends" with - - is elongated - - to better define Applicant's invention.

In claim 72, line 14: after "sides" and before ",", inserted - - , the path extending transverse to the longitudinal axis of the bone plate - - to better define Applicant's invention.

In claim 72, line 15: replaced "plane defined by the opposing surface" with - - first plane - - to better define Applicant's invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anu Ramana whose telephone number is (571) 272-4718. The examiner can normally be reached Monday through Friday between 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached at (571) 272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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February 27, 2009

/Anu Ramana/  
Primary Examiner, Art Unit 3775